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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,704	11/14/2005	Bodil Korshamn	05135	6841
23338	7590	02/14/2007	EXAMINER	
DENNISON, SCHULTZ & MACDONALD			KELLEHER, WILLIAM J	
1727 KING STREET				
SUITE 105			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			3673	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/552,704	KORSHAMN, BODIL
	Examiner	Art Unit
	Bill Kelleher	3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 3 and 4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 November 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. The specification lists several foreign references. However, as of February 9, 2007 there is no Information Disclosure Statement included with the application.

Specification

2. The use of the trademark VELCRO has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

3. Claims 3 and 4 are objected to because of the following informalities: Use of trademarks such as VELCRO should not be used in Claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 as best interpreted are rejected under 35 U.S.C. 102(b) as being anticipated by Goldstein (U.S. Patent 4,989,282).

Regarding Claim 1, Goldstein discloses a sleeping bag for children, having a bottom part (14), which, at its free end, an edge is extended to form an upper end wall or a collar (30) and which is connected to a supplementary part (part of Goldstein's bag that is removable by zipper 26, shown in Figure 1), in such a way that a lower closed bag is formed, as the supplementary part defines a head opening with the upper end wall or the cap-forming part (30), and where a zipper (38) is arranged for replacement of a part of the sleeping bag for children, with a part having a different size, to be able to vary the size of the said sleeping bag (this change of size is shown in Figure 5), characterized in - that the supplementary part is connected to the bottom part (14) by a full length zipper (26), in such a way that the supplementary part may be removed, and - that it comprises an alternative, second supplementary part (50 and 70), having a bagshaped main part (50) and on one side, a tongue (70), a zipper (52), corresponds to the zipper (38) on the bottom part (14), extends round the mouth of the bag-formed extension (50) and along the sides of the tongue (Figure 5 shows that zipper 52 extends along the sides of tongue 70), in such a way that the second supplementary part may be fastened to the bottom part.

Regarding Claim 2, Goldstein discloses a sleeping bag for children according to claim 1, characterized in that the first supplementary part, along the zipper (26), has a collar, having a width which is increasing from the ends of the zipper towards the bottom of the bag. Figure 2 shows that the first supplemental part also has a collar (portion defined near the user's head). This is shown as circular, therefore, the width of this

collar increases from the ends of the zipper (shown on top of circle) towards the bottom of the bag.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Robinson (U.S. Patent 5,622,300).

Goldstein discloses the sleeping bag of Claims 1 and 2, but does not disclose an external pocket. Robinson, however, discloses a sleeping device with an external pockets (20a and 20b), comprising hook and loop fasteners (31a) for storing strings (26a and 26b). See Robinson Column 4, Lines 25-29. Therefore, it would have been obvious to one of ordinary skill in the art to add an external hook and loop fastened string pocket to the outside of a sleeping device. The motivation would have been to protect the strings. See Robinson Column 4, Lines 32-33.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S Patent 6,195,822 to Sorensen discloses a sleeping bag with

supplemental pieces that are zippered together, along with a drawstring collar and an external pocket.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Kelleher whose telephone number is (571)-272-7753. The examiner can normally be reached on Monday - Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571)-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia Engle
Supervisory Patent Examiner
Art Unit 3673

BK



2/9/07